

ARTICLE VII-b. LEGISLATION BY THE PEOPLE. INITIATIVE AND REFERENDUM.

Section 1. General Power.

The people of Houston, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the initiative and referendum. (Added by amendment October 15, 1913)

Section 2. The Initiative.

The initiative shall be exercised in the following manner:

- (a) *Petition.* A petition signed and verified in the manner and form required for recall petition in Article VI-a by qualified electors equal to fifteen per cent. of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners, next preceding the filing of said petition, accompanied by the proposed legislation or measure in the form of a proposed ordinance or resolution, and requesting that such ordinance or resolution be submitted to a vote of the people, if not passed by the Council, shall be filed with the Secretary.
- (b) On or before the thirtieth day after the date of filing of the petition the City Secretary shall certify to the City Council (a) the greatest total vote cast for Mayor at any city general election held within three years next preceding the date of the filing of such petition, and (b) the number of valid signatures on said petition, and shall present such petition and certificate to the council.
- (c) *Action by the Council upon Petition.* If such petition be signed, as in the Charter provided, by qualified electors equal to fifteen per cent. of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners, next preceding the filing of such petition, the council, within ten days after the receipt thereof, except as otherwise provided in this Charter, shall either pass such ordi-

nance or resolution without alteration, or submit it to the popular vote at a special election, which must be held within thirty days after the date of the ordering thereof; provided, however, that if any other municipal election is to be held within sixty days after the filing of the petition said proposed ordinance or resolution shall be submitted without alteration to be voted upon at such election. (Added by amendment October 15, 1913; amended November 5, 1991)

Section 3. Referendum.

If prior to the date when an ordinance or resolution shall take effect, or within thirty days after the publication of same, a petition signed and verified, as required in section 2-a hereof, by the qualified voters equal in number to ten per centum of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners, next preceding the filing of said petition as hereinbefore provided, shall be filed with the Secretary, protesting against the enactment or enforcement of such ordinance or resolution, it shall be suspended from taking effect and no action theretofore taken under such ordinance or resolution shall be legal and valid. Immediately upon the filing of such petition the Secretary shall do all things required by section 2-b of this Article. Thereupon the Council shall immediately reconsider such ordinance or resolution and, if it do not entirely repeal the same, shall submit it to popular vote at the next municipal election, or the Council may, in its discretion, call a special election for that purpose; and such ordinance or resolution shall not take effect unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof. (Added by amendment October 15, 1913)

Section 4. Submission by the Council.

The Council, of its own motion, may submit to popular vote for adoption or rejection or repeal at any election any proposed ordinance or resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition. (Added by amendment October 15, 1913)

Section 5. Form of Ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures shall set forth their nature sufficiently to identify them, and shall also set forth upon separate lines the words "For the Ordinance" and "Against the Ordinance", or "For the Resolution" or "Against the Resolution". (Added by amendment October 15, 1913)

Section 6. Publication of Ordinance, etc. Notice of Election.

The Secretary shall publish at least once, every proposed or referred ordinance or resolution in some daily newspaper in the City of Houston within fifteen days before the date of the election; and shall have such other notices, and do such other things relative to such election as are required in general municipal elections, or by the ordinance calling said election. (Added by amendment October 15, 1913)

Section 7. Adoption of Ordinance.

If a majority of the qualified electors voting on any proposed ordinance or resolution or measure shall vote in favor thereof the same shall thereupon or at any time fixed therein become effective as a law or as a mandatory order to the Council. (Added by amendment October 15, 1913)

Section 8. Inconsistent Ordinances.

If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail. (Added by amendment October 15, 1913)

Section 9. Repeal or Amendment of Ordinances Passed by the People.

No ordinance or resolution, which has been passed by the Council upon a petition, or adopted by popular vote, under the provisions of this Article, shall be repealed or amended, except by the Council in response to a referendum petition or by popular vote thereon. (Added by amendment October 15, 1913)

Section 10. Number of Elections.

There shall not be held under this Article more than one special election in any period of six months. (Added by amendment October 15, 1913)

Section 11. Regulations by Council.

The Council, by ordinance may make other and further regulations for carrying out the provisions of this Article not inconsistent herewith. (Added by amendment October 15, 1913)

Section 12. Certain sections not construed to be repealed.

Nothing herein shall be construed to in any wise affect, impair or repeal Sections 17 and 18 of Article II or any other provision of the Charter affecting the granting of franchises or privileges or the referendum thereon, but the same shall continue to remain in full force and effect as though this Article had not been adopted. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

Section 13. Referendum on Zoning.

The City of Houston shall have the power to adopt a zoning ordinance only by: (a) allowing a six month waiting period after publication of any proposed ordinance for public hearings and debate and (b) holding a binding referendum at a regularly scheduled election. Any existing zoning ordinance is hereby repealed. (Added by amendment January 15, 1994)

ARTICLE VIII. CITY CONTROLLER.

Section 1. ELECTION, SALARY, BOND, ETC.

The City Controller shall receive a salary of \$14,800.00 per annum, payable in equal semi-monthly installments, and shall make a bond in the sum of \$50,000.00 conditioned as the Council may require. He shall not be removed from office except by impeachment proceedings, as provided for in the case of the Mayor and Councilmen, or by recall as provided in this Charter.